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Art Unit: 2655

Docket No.: 2000-0572

**REMARKS**

Reconsideration and allowance are requested. Claims 1 – 32 are pending and no claims are amended.

Applicants have provided a new title to address the Examiner's objection.

Accordingly, Applicants request that the Examiner withdraw this objection.

**Rejection of Claims 1, 5, 7, 8, 10, 12-13, 19, 21, 26 – 27 and 31-32 Under Section 102(e)**

The Examiner rejects claims 1, 5, 7, 8, 10, 12-13, 19, 21, 26 – 27 and 31-32 Under Section 102(e) as being anticipated by U.S. Pub. No. 2002/0052742 to Thrasher et al. ("Thrasher et al."). Applicants traverse this rejection and submit that these claims are patentable over Thrasher et al. because this reference fails to teach each limitation of the claims.

We first turn to claim 1. The Examiner asserts that Thrasher et al. at paragraph 0019 teach the memory of claim 1. Applicants respectfully submit that the analysis of the Examiner ignores the core limitation of the memory storing data related to at least one of a communication device, transducer, vocal information and acoustic environmental data. Thrasher et al. is silent in paragraph 0019 regarding the data stored in memory as recited in claim 1. At the end of paragraph 0019, Thrasher et al. simply state that "program modules may be located in both local and remote memory storage devices." Accordingly, since the memory storage referenced in Thrasher et al. fails to correspond to the memory storing the particular data as recited in claim 1, Applicants submit that claim 1 is patentable over the reference.

Further, as another reasons supporting patentability, the Examiner equates the controller coupled to the memory that determines data and compensates at least one speech recognition model to reflect the data of claim 1 with the controller and language model (paragraphs 0019, 0020 and element 110) of Thrasher et al. Applicants traverse this rejection

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and submit that the controller of Thrasher et al. in paragraphs 0019 and 0020 is simply introduced as a general hardware component without any reference to determining the data of at least one communication device, transducer, vocal information and acoustic environmental data. Thrasher et al. are simply silent as to this point. They also fail to disclosure or suggest any kind of "compensation" of a speech recognition model to reflect such determined data. The Examiner points to the language model feature 110 of FIG. 2 of Thrasher et al. While they do mention a language model, there is no mention of a compensated speech recognition model reflecting the determined data as is recited in claim 1. It follows then that Thrasher et al. do not teach recognizing speech utterances by using a compensated speech recognition model since they do not teach the compensated speech model. Therefore, for this additional reason, Applicants respectfully submit that claim 1 is patentable over Thrasher et al.

Claims 5, 7, 8, 10 and 12 each depend from claim 1 and recite further limitations therefrom. Accordingly, since the parent claim recites several limitations not taught or suggested by Thrasher et al., Applicants submit that these claims are patentable as well.

Claim 13 recites similar limitations to those discussed above relative to compensation for a speech recognition model. This feature is not taught by Thrasher et al. and therefore this claim is patentable over the reference. Claim 19 depends from claim 13 and recites further limitations therefrom. This claim is therefore patentable as well.

Similarly, claim 21 recites the step of compensating a speech recognition model based on the determined data. This and other limitations may generally relate to the discussion above regarding claim 1 and Thrasher et al. Accordingly, since Thrasher et al. fail to teach each limitation of claim 21 and its dependent claims 26, 27, 31 and 32, Applicants submit that these claims are patentable as well.

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**Rejection of Claims 2 – 4, 6, 98, 11, 18, 209, 22 – 24, 25 and 28 Under Section 103(a)**

The Examiner rejects claims 2 – 4, 6, 98, 11, 18, 209, 22 – 24, 25 and 28 under Section 103(a) in view of Thrasher et al. and U.S. Pat. No. 6,304,844 to Pan et al. ("Pan et al."). Applicants traverse this rejection for several reasons. First, as discussed above, the parent claims to these dependent claims are patentable over Thrasher et al. Second, as discussed below, when the suggestive power of each reference is analyzed, it becomes clear that there is no motivation or suggestion to combine these references.

To establish a *prima facie* case of obviousness, the Examiner must meet three criteria. First, there must be some motivation or suggestion, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to combine the references. Second, there must be a reasonable expectation of success, and finally, the prior art references must teach or suggest all the claim limitations. The Examiner bears the initial burden of providing some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP 2142.

When the entire teachings of the prior art are considered for their suggestive power with regards to combining with each other, they do not suggest or provide motivation to blend their teachings. Thrasher et al. focus on a method for generating alternatives to words indicative of recognized speech. They address the problem of correction of recognized text. Where the ASR module had provided text from the speech, and the user often identified various words or phrases in the text for correction, Thrasher et al. identified that during this correction process, the system could present alternative words for recognition for each word the user desires to correct. For large dictations, it becomes cumbersome to maintain all the

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possible alternatives for each possible word to be corrected. Therefore, their invention focuses on a method of generating alternatives to words indicative of recognized speech to help in the text correction of speech. Necessarily, as part of their invention, the user must select a portion of the recognized speech for correction. Paragraphs 0005 - 0007.

In contrast to the focus of Thrasher et al., Pan et al. focus on a system and method of utilizing individual letter utterances from a matrix to transmit words in the context of speech recognition. The goal of Pan et al. is to enable more processing of words in speech recognition on many devices, especially devices of low computation power and memory requirements, such as mobile phones or PDAs. Abstract. They create parametric representations of letter pronunciations (in a 26x26 matrix) and when performing recognition of words, they use a letter similarity comparator for comparing the input signals to the parametric representations of letter pronunciations. The goal is to enable speech recognition on low processing power and limited memory devices. See Summary.

Applicants respectfully submit that these two references, while both generally related to speech recognition, are mutually exclusive and solve very different problems. There would simply be no motivation to one of skill in the art to blend the teachings of Thrasher et al. regarding how to receive user selected recognition text and improve the process of providing alternative words for correction with the teachings of Pan et al. regarding a parametric letter pronunciation matrix to enable recognition on small handheld devices. Furthermore, these references teach away from one another in this regard because on a wireless handheld device like a mobile phone, it becomes much more unlikely that an individual would be engaged in dictation where a large amount of text would be reviewed and selected for correction. The smaller the display for such interaction, the less desirable that process would become. Thrasher et al. certainly teaches away from a small wireless device through its hardware presentation in FIG. 1 which clearly involves a desktop type computer with optical disks, removable storage, a monitor display and so forth. (While

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handheld devices are mentioned in paragraph 0019 of Thrasher et al., the required steps of the operator selecting a portion of recognized speech for which alternatives are to be generated clearly becomes more difficult on small-display portable devices.)

Therefore, Applicants submit that there is simply no suggestion or motivation to combine Thrasher et al. with Pan et al. once their focus and suggestive ability to one of skill in the art is properly analyzed. Therefore, Applicants submit that claims 2 – 4, 6, 98, 11, 18, 209, 22 – 24, 25 and 28 are patentable over these references.

#### **Rejection of Claims 14 – 17 and 29 - 30 Under Section 103**

The Examiner rejects claim 14 as being unpatentable under section 103 in view of Thrasher et al. and U.S. Pat. No. 6,720,888 to Eagleson et al. ("Eagleson et al."). Applicants traverse this rejection and submit that there is no motivation or suggestion to combine these references.

The prima facie obviousness standard has been set forth above as well as a discussion of the focus of Thrasher et al. Eagleson et al. teaches a method for tracking mobile devices using tags. As introduced in their abstract, a signpost is arranged to transmit low frequency signals to a beacon which in turn transmits high frequency signals containing a signpost code from a received signpost signal to a reader. The signpost may be mounted on one mobile device and a beacon tag on another mobile device to determine when those mobile devices are close to each other. A sensor can be provided to detect the presence of a mobile device. Applicants submit that there is clearly no suggestion or motivation to combine these references. Eagleson et al. has nothing to do with speech recognition technology, and furthermore, there would be no reason to combine the correction method for user-selected recognized speech in Thrasher et al. with the signpost mobile device tracking invention of Eagleson et al. The technology subject matter in these two references is entirely different and

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one of skill in the art would not find any motivation to combine their teachings. Therefore, Applicants submit that claim 14 is patentable over these references.

The Examiner rejects claims 15 and 17 as being obvious in view of Thrasher et al. and U.S. Patent No. 5,806,029 to Buhrke et al. ("Buhrke et al."). Applicants traverse this rejection and submit that these claims are patentable because under 35 U.S.C. Section 103(c), Buhrke et al. cannot be used to preclude patenting of a claim since it is owned by AT&T Corp. Buhrke et al. qualifies for two reasons: (1) Buhrke et al. is section 102(e) prior art where it is a patent that was granted on an application for patent by another filed in the U.S. before the invention by Applicants; and (2) Buhrke et al. is assigned to AT&T Corp. and the present application is assigned to AT&T Corp. Therefore, at the time the present invention was made, the present invention and the Buhrke et al. reference were owned by the same person or subject to an obligation of assignment to the same person. Therefore, Applicants submit that claim 5 is patentable over these references since Buhrke et al. cannot preclude patentability of these claims.

The Examiner rejects claim 16 in view of Thrasher et al. and U.S. Patent No. 6,219,645 to Byers ("Byers"). Applicants traverse this rejection because claim 16 depends from claim 13 and recites further limitations therefrom. As discussed above, claim 13 is patentable and therefore this dependent claim is patentable as well.

The Examiner rejects claims 29 – 30 in view of Thrasher et al. combined with Pan et al. and Buhrke. Applicants submit that these claims are patentable because they depend from allowable claim 21 and further because there is simply no motivation or suggestion to combine Thrasher et al. with Pan et al. Therefore, claims 29 – 30 are patentable and in condition for allowance.

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**CONCLUSION**

Having addressed the rejection of claims 1 - 32, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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